

**IN THE UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF OKLAHOMA**

<b>LINDSEY K. SPRINGER,</b>	)	
	)	
<b>Petitioner,</b>	)	
	)	
<b>vs.</b>	)	<b>Case No. CIV-13-1326-W</b>
	)	
<b>JOHN FOX, Warden FCI</b>	)	
<b>El Reno,</b>	)	
	)	
<b>Respondent.</b>	)	

**REPORT AND RECOMMENDATION**

**I. Request for a temporary restraining order.**

Petitioner, a federal prisoner appearing pro se, requests a temporary restraining order prohibiting his transfer to a low-security prison or otherwise “utilizing” a disciplinary finding until his petition for a writ of habeas corpus challenging that disciplinary finding is heard. Doc. 4, at 1.

Pursuant to Fed. R. Civ. P. 65(b)(1)(B), Petitioner was required, but failed, to certify “in writing any efforts made to give notice [to the adverse party] and the reasons why it should not be required.” Rather, Petitioner stated only that “Respondent has not been served with either the Petition or this Motion.” *Id.* at 8-9. Accordingly, denial of Petitioner’s request is warranted. *See Commercial Sec. Bank v. Walker Bank & Trust Co.*, 456 F.2d 1352, 1356 (10th Cir. 1972) (“We can only reiterate that Rule 65 must be strictly complied with.”).

## **II. Recommendation and notice of right to object.**

For these reasons, the undersigned recommends that Petitioner's request for a temporary restraining order, Doc. 4, be denied.

Petitioner is advised of his right to object to this Report and Recommendation by January 9, 2014, in accordance with 28 U.S.C. §636 and Fed. R. Civ. P. 72. Petitioner is further advised that failure to make timely objection to this Report and Recommendation waives his right to appellate review of both factual and legal issues contained herein. *Moore v. United States*, 950 F.2d 656, 659 (10th Cir. 1991).

This Report and Recommendation does not dispose of all issues referred to the Magistrate Judge in this matter.

ENTERED this 20th day of December, 2013.

  
\_\_\_\_\_  
SUZANNE MITCHELL  
UNITED STATES MAGISTRATE JUDGE